

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2011-837*

13 **PRECIOUS NYANDA DESHIELD**
24702 Plympton Road
14 Katy, TX 77494
Registered Nurse License No. 689488

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about September 26, 2006, the Board of Registered Nursing issued Registered
23 Nurse License Number 689488 to Precious Nyanda Deshield (Respondent). The Registered
24 Nurse License will expire on September 30, 2012, unless renewed.

25 3. This Accusation is brought before the Board of Registered Nursing (Board),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code unless otherwise indicated.
28

1 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
2 that the Board may discipline any licensee, including a licensee holding a temporary or an
3 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
4 Nursing Practice Act.

5 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
7 licensee or to render a decision imposing discipline on the license. Under section 2811,
8 subdivision (b), of the Code, the Board may renew an expired license at any time within eight
9 years after the expiration.

10 6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the
11 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
12 action during the period within which the license may be renewed, restored, reissued or
13 reinstated.

14 STATUTORY/REGULATORY PROVISIONS

15 7. Section 2761 of the Code states:

16 “The board may take disciplinary action against a certified or licensed nurse or deny an
17 application for a certificate or license for any of the following:

18 “(a) Unprofessional conduct, which includes, but is not limited to, the following:

19 ...

20 “(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
21 against a health care professional license or certificate by another state or territory of the United
22 States, by any other government agency, or by another California health care professional
23 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
24 action.”

25 COST RECOVERY

26 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licensee found to have committed a violation or violations of
28

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct – Out of State Discipline)
5 (Bus. & Prof. Code §2761, subd. (a)(4))

6 9. Respondent has subjected her registered nurse license to disciplinary action under
7 Code section 2761, subdivision (a)(4), in that on or about May 8, 2007, in a disciplinary action
8 before the Board of Nurse Examiners for the State of Texas (Texas Board), the Texas Board
9 entered an Eligibility Agreed Order (Order) granting Respondent a registered nurse license under
10 various terms and conditions. The Order required Respondent to: (1) read the Texas Nursing
11 Practice Act, and the Rules and Regulations Relating to Professional Nurse Education, Licensure,
12 and Practice; (2) comply in all respects with the Nursing Practice Act and Texas laws; (3) not
13 work outside the State of Texas pursuant to a multistate licensure privilege without written
14 permission of the State of Texas; (4) within one year of initial licensure in the State of Texas,
15 successfully complete a course in nursing jurisprudence for a minimum of six contact hours;
16 (5) within one year of initial licensure in the State of Texas, successfully complete a course in
17 nursing ethics for a minimum of six contact hours; and (6) pay a monetary fine. If Respondent
18 were to practice as a registered nurse in the State of Texas, the Order also required Respondent to
19 provide direct patient care and practice in a hospital, nursing home, or other clinical setting and
20 work in such setting for a minimum of 64 hours-per-month for one year of employment under the
21 following conditions: (1) notify each present and future employer in nursing of the Order and
22 stipulations on her license and provide them with a copy of the Order; (2) cause each present
23 employer in nursing to submit the Notification of Employment form to the Texas Board; (3) work
24 under the supervision of a registered nurse who is on the premises; (4) work regularly assigned,
25 identified, and pre-determined units; (5) not be employed by a nurse registry, temporary nurse
26 employment agency, hospice, or home health agency; (6) not be self-employed or contract for
27 services; (7) not have multiple employers; and (8) cause each employer to submit quarterly
28 reports to the Texas Board regarding Respondent's capability to practice nursing.

10. The underlying conduct supporting the Texas Board's disciplinary action is that on or about October 12, 2006, Respondent submitted a Temporary License/Endorsement Application as a professional nurse in the State of Texas. In the application, Respondent denied having been convicted, adjudged guilty by a court, or entering a plea of guilty, no contest, or nolo contendere to any crime in any state, territory, or country. Respondent failed to disclose her 2005 guilty plea to tampering with government records, a misdemeanor, in Harris County Criminal Court, Harris County, Texas.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 689488, issued to Precious Nyanda Deshield;
2. Ordering Precious Nyanda Deshield to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED:

April 12, 2011

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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